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(Applicant)

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**MAR 05 2004**

**OFFICE OF PETITIONS**

In re Application of  
W. Jeffrey Chandler et al.  
Application No. 09/834,175  
Filed: April 12, 2001  
For: SYSTEM AND METHOD FOR  
VENTURE ACCELERATION

:  
:  
: DECISION DISMISSING PETITION TO  
: INSTITUTE PUBLIC USE  
: PROCEEDINGS  
:

On October 14, 2003, a petition under 37 CFR 1.292 to institute public use proceedings against the claims in the above-identified application was filed by Venture Vortex, Inc.

The petition is dismissed as untimely.

Effective November 29, 2000, 37 CFR 1.292(b) was amended to read:

(b) The petition and accompanying papers, or a notice that such a petition has been filed, shall be entered in the application file if:


- (1) The petition is accompanied by the fee set forth in § 1.17(j);
- (2) The petition is served on the applicant in accordance with § 1.248, or filed with the Office in duplicate in the event service is not possible; and
- (3) The petition is submitted prior to the date the application was published or the mailing of a notice of allowance under § 1.311, whichever occurs first.

The application was published on March 14, 2002. Thus, the petition was not "submitted prior to the date the application was published or the mailing of a notice of allowance under § 1.311, whichever occurs first." Accordingly, the petition is untimely and it has not been entered in the application file.

Since the petition includes an indication of service on the applicant, the original petition is being discarded. (This is consistent with the practice for treatment of untimely petitions filed after the mailing of a notice of allowance set forth in MPEP 720.01.)

The application is being forwarded to Technology Center Art Unit 2161.

Telephone inquiries specific to this matter should be directed to Eugenia Jones, Senior Legal Advisor, at (703) 306-5586.



Fred A. Silverberg  
Senior Legal Advisor  
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